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THE RESEARCH REVIEW

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Governor Phil Bredesen delivered his eighth and final *State of the State Address* before a joint legislative session on Monday.

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320 6th AVE N. • RACHEL JACKSON BUILDING, 7th FLOOR • NASHVILLE, TN 37243

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HOUSE RESEARCH DIVISION STAFF

DIRECTOR
Denise Sims

AGRICULTURE
Jeremy Maxwell

CHILDREN & FAMILY AFFAIRS
Amelia Mitchell

COMMERCE
Todd A. Staley, Esq.

CONSERVATION & ENVIRONMENT
Jeremy Maxwell

CONSUMER & EMPLOYEE AFFAIRS
Lucy Wilson

EDUCATION
Patrick Boggs

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GOVERNMENT OPERATIONS
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HEALTH & HUMAN RESOURCES
Judy Narramore

JUDICIARY
Jeffrey T. Malotte, Esq.

STATE & LOCAL GOVERNMENT
staff

TRANSPORTATION
Jeremy L. Elrod

PHOTOGRAPHY
Jed DeKalb
Andrew McMurtrie
Theresa Montgomery

GRAPHIC DESIGN & LAYOUT
John Newman

PRINTING SERVICES
Capitol Print Shop

HOUSE RESEARCH DIVISION
320 6th Avenue North
Rachel Jackson Building, 7th Floor
Nashville, TN 37243
615.741.3025 -or-
615.741.1100, ext. 44982

THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider one bill on calendar and to hear two presentations.

HB 539 (Sargent) was referred to *Finance, Ways & Means*. This bill requires that forfeited amounts from deposits paid to agencies to ensure that adopted dogs and cats are spayed or neutered be used to conduct programs to spay and neuter dogs and cats in the community where the agency is located instead of being used to conduct educational programs in support of spaying and neutering.

The committee also heard a presentation by James Flatt, FFA State President from Wilson County. He spoke about a trip to China with the National FFA Chapter to gain a global perspective of the agricultural industry.



Jamey Tosh, Tosh Farms in Henry County, also gave a presentation on his family business. Tosh Farms is a leading producer of pork and grain by adoption of technology, equipment and programs that will place their efficiency in the top tier of the industry. Profitability, quality of production, environmental awareness and attention to human resources will be the measure of their success.

GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee did not meet this week.



children & family affairs

Amelia Mitchell



Chairman DeBerry

THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Tuesday February 2nd and the following bill was deferred one week:

HB 677 by Rep. Cooper as amended states a parent may not be suspended from visitation due to being unable to pay for a specified visit.

Supervisors serving under a court order may seek monetary relief from the court. In cases in which the court has found specific

cases of abuse, the parent causing supervised visits is responsible for the costs. The cost for the supervised visit shall not exceed the guidelines of the Administrative Office of the Courts. The cost for a facility for the visitation may not exceed \$40 per hour.

THE FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday, February 2nd and the following bill was referred to Full Committee:

HB 2698 by Rep. Dennis restricts modification of an existing schedule in a parenting plan to a final hearing unless the parents agree to the modification or the court determines that such modification is in the best interest of the child.

DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** did not meet this week.

commerce

Todd A. Staley

FULL COMMITTEE

The **Commerce Committee** did not have any bills on notice and did not meet this week.

UTILITIES & BANKING SUBCOMMITTEE

The **Utilities & Banking Subcommittee** did meet for organizational purposes.

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** did not have any bills on notice and did not meet this week.

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved two bills to the full committee.

HB 381 (Sargent) as amended, makes changes to how investigations of insurance agents are handled by the Department of Commerce & Insurance. It codifies the

current practice of the Department to use discretion in determining which complaints to investigate. The Department is required to give notice to the insurance agent once a complaint has been filed against them. It also requires the Department to close an investigation within three years, and creates a 10-year statute of limitations for filing a complaint against an insurance agent. There is currently no statute of limitations in place.

[moved to the full committee]



Rep. Sargent



Rep. Stewart

HB 2367 (Stewart) would end the practice of “client billing” for pathology services. In a “client billing” scenario the doctor is billed for the pathology services he requested by the laboratory or pathologist who provided the services. The doctor then bills either the patient or the patient’s insurance. This legislation would prohibit this billing practice and require

the pathologist to bill the patient or insurance company directly.

The subcommittee heard testimony from Dr. Brent Welch of Gastrointestinal Associates of Northeast Tennessee. Dr. Welch testified that the current billing practice allows doctors in east Tennessee to use pathologists in Memphis who can provide a faster turnaround for results at lower costs than local

pathologists. Also, the State Board of Medical Examiners has reviewed this billing practice and found no ethical violations. One potential solution would be for the pathologists in Memphis to get on the insurance panels (in network) in east Tennessee. Representatives from the insurance industry were asked to provide more information on that matter to the full committee. An amendment was added to change the effective date to July 1, 2010.

[moved to the full committee]

HB 2023 (Turner M) was rolled for four weeks.



conservation & environment

Jeremy Maxwell

THE FULL COMMITTEE



Chairman McCord

There were no bills on notice, but the Conservation and Environment Committee did meet Tuesday to hear from the Department of Environment and Conservation. The department gave an update on the implementation of the wet weather conveyance legislation, and the committee also heard a report on water-

pollution control permitting and enforcement.

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee met Tuesday to hear the Comptroller’s Office present their study mandated by Public Chapter 261. It requires the Comptroller to conduct a study of the economic impact of commercial fishing in Tennessee and to make any recommendations for change required to balance the interest in protecting natural habitat against the degree of oversight necessary for governance of the industry.

There were no bills on notice.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee did not meet this week.

PARKS SUBCOMMITTEE

The Parks Subcommittee did not meet this week

consumer & employee affairs

Lucy Wilson

THE FULL COMMITTEE

Chairman Matheny presented an overview of how the full committee would address workers' compensation



Chairman Matheny

issues. Next week, in addition to regular business, the committee will hear from witnesses, with deference given to guests not normally here, including citizens and special interests who do not have an everyday presence in the Legislative Plaza.

As was the process for the previous year, all workers' compensation bills

will be referred to the

Workers' Compensation Advisory Council (WCAC) for review.

CONSUMER AFFAIRS SUBCOMMITTEE

The subcommittee had three bills on calendar.

Rolled one Week:

HB 1612 by *Turner M (*SB 1119 by *Berke) requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value.

Rolled two Weeks:

***HB 2697** by Dennis (SB 2642 by Johnson) repeals the statutory requirement that certain health clubs post either a bond of \$25,000 or an audited financial statement with the department of commerce and insurance.

Passed as Amended to Full Committee:

***HB 2503** by Moore (SB 2501 by Haynes) makes it a Class A misdemeanor for anyone to use ADAD

(automatic dialing announcing device) equipment within TN area codes and to conceal or misrepresent the phone number being used by the ADAD equipment. It will not be an offense to use ADAD equipment that displays an in-state number of a political candidate who has given written permission for that use and filed that permission with the TRA.

An amendment traveling with the bill stipulates that the offenses will not apply to providers such as telecommunications, broadband, or voice-over-internet services acting solely as intermediaries between a caller and a recipient.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee had three bills on calendar.



Emp. Sub. Chair McDonald

Taken Off Notice

HB 1571 by *West (*SB 0432 by *Bunch) authorizes officers of corporations to exempt themselves from unemployment law provisions.

Sponsor Rolled one Week:

***HB 0776** by *Turner M (SB 1664 by *Harper) enacts the "Pay Equity in the Workplace Act."

Failed on tie vote in Committee:

HB 1916 by *Lynn (*SB 1674 by *Johnson) enacts the "Secret Ballot Protection Act of 2009".

THE FULL COMMITTEE

The **House Education Committee** met on Wednesday, January 27th and heard presentations by Alene Arnold with Tennessee SCORE and by Project Citizen. Project Citizen, led by Janis Kyser, a teacher in the Cleveland City Schools, brought teams from nine schools (one from each congressional district) to meet with elected representatives and to learn about state government.



Rep. Eldridge talks to students from Jackson's Parkview Montessori School.

Students presented civic learning projects in front of the committee and in the hallways of Legislative Plaza. The committee also met on Wednesday, February 3rd to hear two presentations. The first presentation, regarding the Tennessee Teaching Quality Initiative, was presented to the committee. Dr. Bob Rider with UT-Knoxville, Dr. Hal Knight with ETSU, and Dr. Connie Smith with the Tennessee Department of Education testified on strategies being implemented to improve teacher effectiveness. The initiative combines state education officials with those in higher education responsible for teachers' training alongside other interested parties. Its goal is to better instruct teacher candidates the most effective methods on how to impart knowledge and to model these methods so that beginning teachers can better emulate them.

The committee also heard from the leaders of the Office of Research and Education Accountability in the Office of the Comptroller regarding research performed at the request of Chairman Harry Brooks on the effectiveness of education spending compared to other states in our region and the nation. Their research showed that

Tennessee already is a leader among states in the outcomes compared to inputs, although their initial analysis didn't control for external factors individual to a state's relative condition, such as cost of living. Overall, their research showed that no one single characteristic illustrated which state would have the most positive outcomes. The most successful states were found to have implemented reforms in a variety of areas crucial to student success.

Rolled 2 weeks on January 27:

HB 549 (Hardaway)

HB 376 (Coley)

Taken off notice on January 27:

HB 2028 (Maddox)



Chairman Brooks, Vice. Chair Winningham

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** did not meet on Wednesday, February 3rd; however, the committee met on January 27th to review recommendations on bills from the State Board of Education and the Select Oversight Committee on Education.

Rolled 1 week on January 27:

HB 599 (Kelsey [to be assigned to Rep. Lynn])

Rolled 4 weeks on January 27:

HB 874 (Bell)

Taken off notice on January 27:

HB 2087 (Towns)

HB 209 (Coley)
HB 285 (Coley)
HB 377 (Coley)
HB 557 (Weaver)
HB 688 (Winningham)
HB 812 (Campfield)
HB 821 (Campfield)
HB 836 (Moore)
HB 1441 (Harwell)
HB 2072 (J. DeBerry)
HB 1371 (Kernell)

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** did not meet on Wednesday, February 3rd, as the only bill on its calendar was rolled before committee time. On January 26th, the

Higher Education Subcommittee also met and heard a presentation about the **Tennessee Campus Compact** by its executive director, Dr. Mani Hull and others.

Bills rolled 2 weeks on February 3:

HB 2699 (Dennis)

Bills rolled 4 weeks on January 26:

HB 43 (Hardaway)

HB 58 (Hardaway)

Taken off notice on January 26:

HB 934 (Kernell)

HB 1851 (Campfield)

finance, ways & means

Julie Travis

THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, February 2, 2010 in its first regular meeting of the year. No bills were on notice to be presented, but the committee did assemble to hear Finance and Administration Commissioner Dave Goetz brief the committee on the Governor's proposed state budget for the 2010-2011 fiscal year.

To watch a rebroadcast of this presentation, please go to the link below:

http://tnga.granicus.com/MediaPlayer.php?view_id=25&clip_id=2214

Quick links to The Budget Document and other assorted Budget-related information, including the handout of PowerPoint slides for the presentation to our committee can be found at <http://www.tennesseeanytime.org/gov/state-of-the-state/>

Upcoming budget hearings scheduled for next week include the following:

Tuesday, February 9th:

- Alcoholic Beverage Commission
- Tennessee Housing Development Authority

Wednesday, February 10th:

- Tennessee Education Lottery Commission
- Tennessee Human Rights Commission

Thursday, February 11th:

- Tennessee Commission on Aging & Disability

- Post Conviction Defenders Conference

BUDGET SUBCOMMITTEE

The Budget Subcommittee met in its first regular meeting on January 27, 2010. Two bills were on the calendar: **HB 364** by **Rep. H. Brooks** and **HB 13** by **Rep. Floyd**. Rep. H. Brooks requested that his bill, HB 364, be taken off notice. Rep. Floyd asked that HB 13 be deferred for four weeks.

On Wednesday, February 3, 2010, the Budget Subcommittee met with one bill on its second regular calendar of the year. The bill, **HB 474** by **Rep. Harmon**, was placed behind the budget.



government operations

Will Walker



Chairlady Lynn

THE FULL COMMITTEE

The following bills were all put on Consent and moved to Calendar & Rules.

HB 2470 by Lynn - Extends Great Smoky Mountain parks commission to June 30, 2016.

HB 2460 by Lynn - Extends wildlife resources commission to June

30, 2014

HB 2464 by Lynn - Extends Tellico reservoir development agency to June 30, 2016.

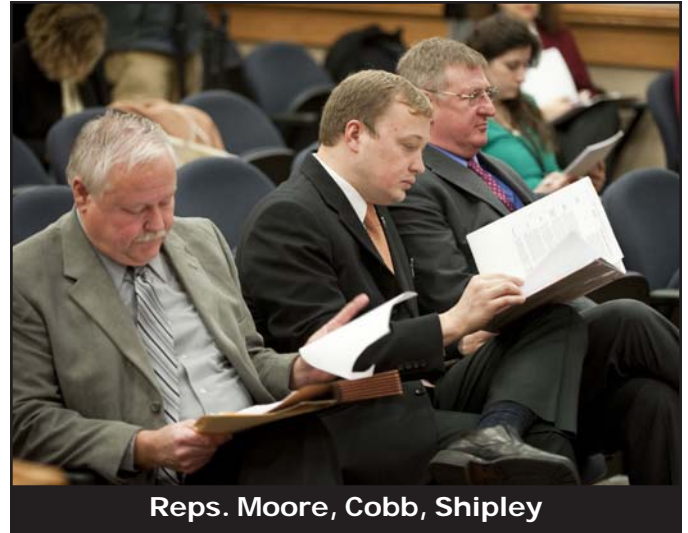
HB 2466 by Lynn - Extends southeast interstate forest fire protection compact to June 30, 2017.

The following bill was moved to Judiciary

HB 2768 by Shipley – DUI/DWI offenses – As introduced requires certain DUI offenders to operate only a motor vehicle that is equipped with a functioning ignition interlock device.

The following bill was moved to Health & Human Resources

HB 2504 by Moore – Dept. of Health – Requires department to implement a pilot program that allows county clerks to issue certified copies of computer abstracts of Birth Certificates.



Reps. Moore, Cobb, Shipley

The following bills were rolled

HB 2597 by Lynn – Rolled 1 week

HB 2468 by Lynn – Roll to March 3rd

The following bill was taken Off Notice

HB 2456 by Lynn

health & human resources

Judy Narramore



Chairman Armstrong

HEALTH & HUMAN RESOURCES COMMITTEE

Chairman Armstrong called the first meeting of 2010 of the **Health & Human Resources Committee** to order on Tuesday, February 2, 2010. The Chairman introduced committee interns and staff, welcomed returning committee members, and

introduced two new committee members, Rep. Fincher and Rep. White.

HJR 0513 (Todd) was on calendar but was taken off notice at the request of the sponsor. The remaining committee time was devoted to presentations relative to safety net funding. Presenters represented the University of Tennessee Health System, Project Access, federally qualified health centers, and the Department of Health.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** held its first meeting of 2010 on Tuesday morning, February 2nd with one bill on calendar. **HB 1871 (Ramsey)** as amended that establishes that metropolitan health departments with dental staffs should occasionally

provide, within existing budget limitations, emergency services to adult patients and authorizes sanctions from the Department of Health for failure to comply with the provisions of the legislation was referred to full committee.

HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** did not have bills on notice and did not meet.

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** did not have bills on notice and did not meet.



Rep. Ramsey

THE FULL COMMITTEE

The **Judiciary Committee** met on Tuesday, February 2, 2010 with three bills on calendar.



To Calendar & Rules:

HB 0699 (Fincher), as amended, clarifies that a retired judge or a general sessions judge may administer the required oath to support the constitutions to an inferior court judge. The amendment changes the effective date from the year 2009 to 2010.

HB 2570 (Coleman) codifies the acts of the 2009 legislative

session. It is 1,371 pages in length.

To Finance, Ways & Means:

None.

Taken Off Notice:

None.

Rolled:

None.

The **Judiciary Committee** met on Tuesday, January 27, 2010 with two bills on calendar.

To Calendar & Rules:

None.

To Finance, Ways & Means:

None.

Taken Off Notice:

None.

Rolled:

HB 1267 (Faulkner) (four weeks)

HB 1363 (Todd)
(four weeks)

Presentations:

Tennessee Supreme Court Associate Justice and Instructor of Constitutional Law at Nashville School of Law William Koch, Jr. spoke concerning the 2010 amendments to the various rules of practice and procedure.

Mr. Brook Lathram, Esq., chair of the Tennessee Advisory Commission on the Rules of Practice and Procedure, also spoke concerning the amendments to the rules.



CIVIL PRACTICE AND PROCEDURE SUBCOMMITTEE

The **Civil Practice and Procedure Subcommittee** met on Wednesday, February 3, 2010 with four bills on calendar.

Taken off notice:

HB 0026 (Hardaway)
HB 0126 (Hardaway)
HB 0130 (Hardaway)

Rolled:

HB 2670 (Fincher).

The **Civil Practice and Procedure Subcommittee** met on Tuesday, January 26, 2010 with one bill on calendar.

To full committee:

HB 0699 (Fincher)

CRIMINAL PRACTICE AND PROCEDURE SUBCOMMITTEE

The **Criminal Practice and Procedure Subcommittee** met on Wednesday, February 3, 2010 with seven bills on calendar.

To full committee:

HB 2506 (Matlock)

HB 2568 (Fincher)

Taken off notice:

HB 2439 (Maggart)

HB 2440 (Maggart)

The remaining three bills were rolled.

Presentation:

Mr. James “Wally” Kirby, Esq., executive director of the District Attorneys General Conference, gave a



presentation on the dire financial troubles facing some assistant district attorneys throughout the State. Economic hardships have caused them to take second jobs.

The **Criminal Practice and Procedure Subcommittee** met on Wednesday, January 27, 2010 with 20 bills on calendar.

To full committee:

HB 1701 (Watson)

Taken off notice:

HB 0476 (Hardaway)

HB 0477 (Hardaway)

HB 1474 (Fincher)

The remaining seventeen bills were rolled.

ANNOUNCEMENTS



- * The new chair of the Civil Subcommittee is Rep. Vance Dennis. He takes the place of former-State Representative, now-State Senator, Brian Kelsey.
- * The new staff secretary for the Civil Subcommittee is Ms. Susan McMahon. All other staffers are the same as last year (2009).
- * Welcome to our two new members: Rep. Rich Barrett and Rep. Jim Coley.
- * The full committee closing date is March 31, 2010.
- * The Civil Subcommittee closing date is March 24, 2010.
- * The Criminal Subcommittee closing date is March 17, 2010.
- * Last year (2009), the Judiciary Committee handled the greatest number of bills of any committee in the House – 549 bills. The Civil Subcommittee handled 209 bills. The Criminal Subcommittee handled 325 bills.
- * ***To all Members of the House: please place your bills on notice immediately. The expected number of 2010 Judiciary bills is rather large.***

state & local government

Todd A Staley, Esq.

FULL COMMITTEE

The **State & Local Government Committee** did not have any bills on notice and did not meet this week.

ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** met on Tuesday.

HB 270 (Watson) would require citizenship to be proven before an individual could register to vote. It also requires certain procedures to verify identity and citizenship before voting. Rep. Moore requested the bill be rolled for one week so that an amendment can be finalized.

[rolled for one week]

HB 1770 (Todd) was rolled for four weeks.

STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** met on Tuesday and moved two bills to the full committee.

HB 2812 (Odom) moves the filing deadlines for employer disclosure reports from within 45 days of



Rep. Carr

March 31 and September 30 to within 45 days of June 30 and December 31. This change will make the employer disclosure report filing deadline better coincide with the annual lobbyist registration period.
[moved to the full committee]

HB 2669 (Carr) extends the deadline for charitable gaming for the 2009-2010 annual events period

to five days after the bill is enacted. While the bill would open it up to all 501(c)(3) organizations, Rep. Carr said the extension is needed for the Murfreesboro Arts Commission to hold an event this spring.

[moved to the full committee]

HB 1670 (Lynn) was rolled for one week.

HB 2573

(Hackworth) was taken off notice.

LOCAL GOVERNMENT SUBCOMMITTEE

The **Local Government Subcommittee** met on Wednesday and moved two bills to the full committee.

HB 2571

(Hackworth) would allow the Oak Ridge Playhouse to sell alcohol for consumption on the premises.
[moved to the full committee]

HB 2806 (McDonald) would allow the mayor of Trousdale County-Hartsville Metro Government to appoint a citizen to serve as an ex-officio member of the Four Lake Regional Industrial Development Authority. An amendment was added that rewrites the bill. The amendment includes the language of the original bill, but deletes Section 2 of the original bill because it is already in the statute.

[moved to the full committee]

HB 761 (Turner M) was rolled for four weeks.

HB 1139 (Hardaway) was rolled for four weeks.

HB 2401 (Johnson C) was rolled for three weeks.



Local Gov't. Chair Miller

FULL COMMITTEE



Chairman Harmon

The House Transportation Committee

convened February 2, 2010 to hear two presentations.

Commissioner Gerald Nicely of the Department of Transportation gave an update on the progress of stimulus highway projects.

AAA Auto Club South and AAA of East Tennessee gave a presentation on

“The State of Safety on Tennessee Roads.”

RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** met February 3, 2010 to consider five bills.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

HB2696 (Dennis) – “PFC Cleabern W. Hill, Jr., Memorial Highway” highway signs on a segment of S.R. 142 in McNairy County.

HJR754 (Watson) – As amended, pledges support for development of Corridor K highway project and urges the United States Department of Transportation to take all necessary measures to facilitate the establishment and construction.

HB2569 (Fincher) – Provides for erection of directional signs for Historic 1880 Sutton General Store Museum on Interstate 40 at Exit 268 in Putnam County.

HB2524 (Moore) – “Michael Allen Jones Memorial Bridge” highway signs on a bridge on U.S. Highway 31E (Gallatin Road) in Metropolitan Nashville.

HB3023 (J. Cobb) – “Tallent Bridge” highway signs on a bridge on U.S. Highway 27 in Rhea County.

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met February 2, 2010 to consider two bills.

HB2432 (Moore) and **HB2433 (Moore)** were rolled to a special license plate consent calendar that is anticipated to be taken up February 16th.



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